

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

WILLIAM SIVETER, et. al.	:	
	:	
Plaintiff	:	
	:	
v.	:	Civil Action No.:
	:	JFM 03 CV 659
	:	
PEAK INCORPORATED, a Maryland	:	
Corporation, et al	:	
	:	
Defendant	:	

DEFENDANT'S REQUESTED JURY INSTRUCTIONS

Standard Jury Instructions:

- | | | |
|-----|------------|---|
| 1. | MPJI 1:1 | Instructions at Beginning of Trial |
| 2. | MPJI 1:2 | Questions of Law During Trial |
| 3. | MPJI 1:3 | Witness Testimony Consideration |
| 4. | MPJI 1:4 | Expert Opinion Testimony |
| 5. | MPJI 1:5 | Impartiality in Consideration |
| 6. | MPJI 1:6 | Inferences From Statements of Court |
| 7. | MPJI 1:7 | Burden of Proof - Preponderance of Evidence |
| 8. | MPJI 1:8 | Direct and Circumstantial Evidence |
| 9. | MPJI 1:13 | Case Submission on Issues |
| 10. | MPJI 1:14 | Conclusion - Unanimous Verdict |
| 11. | MPJI 18:1 | Standard of Care |
| 12. | MPJI 18:4 | Violation of Statute |
| 13. | MPJI 19:1 | Negligence - Definition |
| 14. | MPJI 19:10 | Causation - Definition |

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- 15. MPJI 19:11 Contributory Negligence - Generally
- 16. MPJI 19:13 Assumption of Risk
- 17. MPJI 10:1 Damages - Introductory Statement
- 18. MPJI 10:2 Compensatory Damages for Bodily Injury
- 19. MPJI 10:4 Aggravation of Previous Condition
- 20. MPJI 10:5 Present Value Qualification - Personal Injury
- 21. MPJI 10:12 Damage Award Not Subject to Federal or State Income Tax

Non-Standard Jury Instructions:

- 1. Reasonable Speed, Md. Transp. Code Ann., Section 21-801(a), (b) and (h) (see attached)
- 2. Maximum Speed Limits, Md. Transp. Code Ann., Section 21-801.1 (see attached)
- 3. Prohibition on Following Too Closely, Md. Transp. Code Ann., Section 21-310 (see attached)
- 4. Reckless and/or Negligent Driving, Md. Transp. Code Ann., Section 21-901.1(a) and (b) (see attached)
- 5. Driving While Under the Influence or Impaired, Md. Transp. Code Ann., Section 21-902 (see attached)
- 6. Greater Care is Required When Visibility is Obscured (see attached)

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NON-STANDARD JURY INSTRUCTION REQUEST NO. 1

(Speed Restrictions - Reasonableness and Prudence Required)

A person may not drive a vehicle on a highway at a speed that, with regard to the actual and potential dangers existing, is more than that which is reasonable and prudent under the circumstances.

In addition, at all times, the driver of a vehicle on a highway shall control the speed of the vehicle as necessary to avoid colliding with any person or any vehicle or other conveyance that, in compliance with legal requirements and the duty of persons to use due care, is on or entering the highway.

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Md. Transp. Code Ann., Section 21-801(a) and (b).

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NON-STANDARD JURY INSTRUCTION REQUEST NO. 2

(Maximum Speeds)

A person may not drive a vehicle on a highway at a speed that exceeds the posted speed limit.

Md. Transp. Code Ann., Section 21-801(a)

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NON-STANDARD JURY INSTRUCTION REQUEST NO. 3

_____ (Prohibition on Following Too Closely)

The driver of a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the other vehicle and of the traffic on and the condition of the highway.

Md. Transp. Code Ann., Section 21-310

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NON-STANDARD JURY INSTRUCTION REQUEST NO. 4

(Reckless and/or Negligent Driving)

A person is guilty of reckless driving if he drives a motor vehicle in wanton or willful disregard for the safety of persons or property, or in a manner that indicates a wanton or willful disregard for the safety of persons or property.

A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.

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Md. Transp. Code Ann., Section 21-901.1

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NON-STANDARD JURY INSTRUCTION REQUEST NO. 5

(Driving While Under the Influence or Impaired)

A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

A person may not drive or attempt to drive any vehicle while impaired by alcohol.

You are instructed that chemical evidence of alcohol consumption is not necessary to conclude that a driver is intoxicated, impaired or under the influence of alcohol, and that personal observations by witnesses of an individual and/or an individual's behavior is sufficient.

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Md. Transp. Code Ann., Section 21-902

Brooks v. State, 41 Md.App. 123, 395 A.2d 1224 (1979).

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NON-STANDARD JURY INSTRUCTION REQUEST NO. 6

(Greater Care is Required When Visibility is Obscured)

A motorist is required to exercise greater caution while operating a motor vehicle where his or her view is obstructed or otherwise compromised. An obstructed view requires increased vigilance and caution in order to measure up to the standard of reasonable care under the circumstances then prevailing.

Atlantic Mutual Ins. Co. v. Kenney, 323 Md. 116, 133, 591 A.2d 507, 515 (1991); Creaser v. Owens, 267 Md. 238, 248-249, 297 A.2d 235, 241 (1972); Longenecker v. Zanghi, 175 Md. 307, 313, 2 A.2d 20, 23 (1938).

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